

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:17-cr-10106-JDB-1

CHRISTOPHER FAULCON,

Defendant.

ORDER CONSTRUING LETTER AS A MOTION FOR DISCOVERY
AND
DENYING MOTION

On October 4, 2021, the Defendant, Christopher Faulcon, filed a letter asking the Court to order his defense attorneys “to turn over all previous” email and letter correspondence between them and himself. (Docket Entry 514.) He asserts that he needs the documents in order to provide “proof” in support of a 28 U.S.C. § 2255 petition that he is preparing. He argues that “without the proof, [he] would be filing nothing but mere allegation[s].” (*Id.*) The Court CONSTRUES the inmate’s letter as a motion for discovery. For the following reasons, the motion is DENIED.

Discovery in a § 2255 case may be authorized upon a showing of good cause. *See* Rule 6(a), Rules Governing Section 2255 Proceedings for the United States District Courts. Good cause is shown “where specific allegations show reason to believe that the movant may, if the facts are fully developed, be able to demonstrate entitlement to relief.” *Poulsen v. United States*, 717 F. App’x 509, 518 (6th Cir. 2017) (quoting *Cornell v. United States*, 472 F. App’x 352, 354 (6th Cir. 2012)), *cert. denied*, 138 S. Ct. 1450 (2018). However, “[w]ithout a formal § 2255 motion before it, [a] [c]ourt cannot fulfill its requirement to determine whether [a] [d]efendant has satisfied Rule 6’s ‘good cause’ standard.” *United States v. Lawrence*, Case No. 2:05-CR-011, 2015 WL 7570515, at *3 (S.D. Ohio Nov. 25, 2015); *see also United States v. Cuya*, 964 F.3d

969, 971-75 (11th Cir. 2020) (“A prisoner is not entitled to file a motion for discovery . . . before filing a § 2255 motion to vacate.”) (collecting cases).

To date, Defendant has not filed a § 2255 petition. In the absence of a pending petition and specific factual allegations, Faulcon cannot establish good cause for discovery. The motion for discovery is therefore DENIED.

IT IS SO ORDERED this 19th day of October 2021.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE